PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: DORT, DAVID BOGART.	EXAMINER: VINCENT A. MILLIN
APPLICATION NO.: 10/807,898	ART UNIT: 3624
FILED: MARCH 24, 2004	CONF. NO: 5357
FOR: INVOLUNTARY BIOMETRIC CONTINGENCY SECURITY ACCESS	DOCKET NO. VRBA.P010.A

Mail Stop: Petitions
Commissioner for Patents
Box 1450
Alexandria, VA 22314

PETITION UNDER 37 CFR §1.102, MPEP §708.02(XI)
INVENTIONS FOR COUNTERING TERRORISM

Dear Special Programs Examiner:

1.   The Assignee of the above-referenced patent application, Vrbia, Inc., hereby states as follow:

2.   Pursuant to 37 CFR §1.102, special status of the above-referenced Application is sought because the invention materially contributes to countering terrorism.

3.   The claims of the above-referenced application are directed towards an invention that is directly aimed at combating terrorism, mainly in the form of an undetectable system that combats coercion of key civilian or military personnel by malevolent actors, mainly during operations to access to secure facilities (or information), during the operation of equipment such as an airliner, or computational or communications equipment.

4.   Implementations of the presently claimed invention that materially contribute in the anti-terrorism subject matter include two specific subject matter areas: A) entry and access to secure facilities and information, and B) retrofitting existing biometric access systems:

> A) Regarding claimed subject matter in entry access to secure facilities, claim 1 recites:
>
>> "1. A contingency biometric security system including: an entry point device including a biometric sensor system, said entry device coupled to one or more networks and for gaining access through said one or more networks to information, said entry point device requiring a pattern to be detected by said biometric sensor system for said access; a device for detecting a measurement related to a variable physiological characteristic, said device operatively coupled to said entry device and one of said one or more networks contingency recognition logic coupled with said one or more networks, wherein said contingency recognition logic will activate if a threshold level is detected by said device for detecting a variable physiological characteristic; and contingency implementation logic coupled with said one or more networks, wherein said contingency implementation logic executes a set of instructions; and wherein said access based on a pattern and said contingency instructions are distinguished from each other."

As disclosed in the Application, the purpose behind the claimed invention is to activate a secure protocol upon the detection of an "irregularity" threshold in a parameter of an involuntary biometric identification factor. The irregularity may be caused by a response to stress, coercion, or the result of deception. It may include variations in voice (during voice printing), blood pressure, skin temperature, oxygen level (in finger or palm prints), dilation of the iris (during retinal scans), etc.. One of the important claimed aspects is that the secure protocol or contingency security remains out of the control of the threatened individual and unknown to a malevolent outside third party. This allows the security protocol to be activated without informing the outside party. The claimed invention is designed to protect not only secure facilities and information, but potential third-parties, such as families of key personnel as well.

B)   regarding the second aspect of the claimed invention, retrofitting existing biometric access systems, claim 6 recites:

> 6. A method for activating contingency steps with a biometric security access device comprising the acts of: configuring a biometric access sensor in said biometric security access device, such that said biometric access device recognizes a permanent biometric input and a at least one variable biometric input, wherein said at least one variable biometric input is distinguishable from another variable biometric input based on an activation threshold; and activating a contingency set of instructions by providing a signal that said variable biometric input has exceeded said activation threshold to said biometric access sensor.

Claim 6 claims an invention that may be implemented in systems such as that in claim 1 (and 2), but is primarily designed to be retrofitted in existing biometric entry systems in which an "irregular" involuntary physiological characteristic is detected prior to existing sensor. Thus, even if the biometric identifier of an individual would allow access with an existing biometric access device, the claimed "involuntary physiological notification" prevents access by disrupting the signal. This claimed invention allows for an inexpensive and nearly undetectable way of implementing an extra layer of security.

5.   It is respectfully submitted that the claimed invention is directed to an invention to be used by governmental entities and related authorities, and in highly-regulated secure scenarios like airline security, and the claimed subject matter is of limited commercial value at the present time. The intended use of the claimed invention for anti-terrorism purposes is not speculative.

6.   It is believed that the present invention is directed at a single invention. However, in the event that the commissioner determines that there is more than one invention, the Applicant will elect a single invention.

7.   The presently claimed invention appears to be mis-classified. At present, the application is classified as Class: 705/Subclass 035 Electronic Negotiation: Finance/Banking. The Applicant submits that the invention, as claimed, has very

little applicability in the current class/subclass. The Applicant proposes that the claimed invention be reclassified in Class 340/Subclass 5.21 Varying Authorization.

8.   Whereas, the Applicant Vrbia, Inc., believes there is no fee due to process this Petition, the commissioner is authorized to charge Deposit Account No. 50-3068 (Atty Dock: VRBA.P010.A) for any fees that may be due to complete this procedure.

9.   I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted
Vrbia, Inc.

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Richmond, VA